

Order on I.A .No.III to V

The application I.A.No.III is filed by the plaintiff U/O 22 Rule 4 of CPC to implead the legal heirs of deceased defendant No.33, I.A.No.IV is filed U/O 22 Rule 9 of CPC to set aside the abatement order passed against the deceased defendant No.33 and I.A.No.V is filed U/sec 5 of the Limitation Act to condone the delay in filing the abatement application.

2. All the applications are supported by the affidavit of the plaintiff and it is stated that he was not aware about the death of defendant No.33 till it was reported before the court. It is further sworn that after reporting the death of defendant No.33 the plaintiff has filed the present application and there is delay while impleading the legal heirs of deceased defendant No.33. Hence prayed to allow the applications.

3. After filling application, notices were issued to the legal heirs of deceased defendant No.33.

4. Heard the arguments of counsel for plaintiff and defendants.

5. The plaintiff has filed the present applications to implead the legal heirs of deceased defendant No.33. It is stated in the affidavit accompanying to the application that the plaintiff was not aware about the death of defendant No.33 until it was reported before the court. The plaintiff has filed the suit against the defendants for the relief of partition and separate possession. The cause of action survive against deceased defendant No.33. The plaintiff by swearing the

affidavit has stated the reason for delay in filing the applications to implead the legal heirs of deceased defendant No.33. By considering the said reasons, the delay in filing the application to implead the legal heirs should be condoned and the order of abatement should be set aside. Hence this court proceeds to pass the following:

ORDER

The applications I.A.No.III to V filed by the plaintiff is hereby allowed.

The plaintiff is hereby permitted to implead the legal heirs of deceased defendant No.33 as defendant No.33(a) to 33(c) and carryout necessary amendment.

The delay in filing impleading application is hereby condoned and the abatement order passed against defendant No.33 is hereby set aside.

No order as to cost.

Order on I.A .No.VI to VIII

The application I.A.No.VI is filed by the plaintiff U/O 22 Rule 4 of CPC to implead the legal heirs of deceased defendant No.11, I.A.No.VII is filed U/O 22 Rule 9 of CPC to set aside the

abatement order passed against the deceased defendant No.11 and I.A.No.VIII is filed U/sec 5 of the Limitation Act to condone the delay in filing the abatement application.

2. All the applications are supported by the affidavit of the plaintiff and it is stated that he was not aware about the death of defendant No.11 till it was reported before the court. It is further sworn that after reporting the death of defendant No.11 the plaintiff has filed the present application and there is delay while impleading the legal heirs of deceased defendant No.11. Hence prayed to allow the applications.

3. After filling application, notices were issued to the legal heirs of deceased defendant No.11.

4. Heard the arguments of counsel for plaintiff and defendants.

5. The plaintiff has filed the present applications to implead the legal heirs of deceased defendant No.11. It is stated in the affidavit accompanying to the application that the plaintiff was not aware about the death of defendant No.11 until it was reported before the court. The plaintiff has filed the suit against the defendants for the relief of partition and separate possession. The cause of action survive against deceased defendant No.11. The plaintiff by swearing the affidavit has stated the reason for delay in filing the applications to implead the legal heirs of deceased defendant No.11. By considering the said reasons, the delay in filing the application

to implead the legal heirs should be condoned and the order of abatement should be set aside. Hence this court proceeds to pass the following:

ORDER

The applications I.A.No.VI to VIII filed by the plaintiff is hereby allowed.

The plaintiff is hereby permitted to implead the legal heirs of deceased defendant No.11 as defendant No.11(a) to 11(e) and carryout necessary amendment.

The delay in filing impleading application is hereby condoned and the abatement order passed against defendant No.11 is hereby set aside.

No order as to cost.

For amendment

Call on : 07.03.2025

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 18th day of February, 2025)

**Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**